



**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

Public Notice

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, MO 63103-2833

Public Notice No.

P-2560

Public Notice Date

June 27, 2006

Expiration Date

July 17, 2006

Postmaster Please Post Conspicuously Until:

File Number: 2005-45426

Interested parties are hereby notified that an application has been received for a Section 10 Department of the Army permit to conduct maintenance excavation activities within the Mississippi River with associated upland disposal, as described below and shown on the attached figure.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers Public Notice Number **P-2560** and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CEMVS-CO-F (Charles Frerker)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: APAC-Brickeys Stone, 13588 Brickeys Road, Bloomsdale, Missouri 63627
Attention: Ron Netemeyer (573) 483-3475.

LOCATION: The activity site can be accessed by traveling south on I-55 to Exit 162. Turn left and proceed east on Missouri Highway OO. Go straight at the stop sign approximately 4.0 miles. The proposed excavation area is located along the right descending bank of the Mississippi River at approximate mile 135.8, in Ste. Genevieve County, Missouri. (See Attached Location Map).

PROJECT DESCRIPTION: Brickey Stone requests authorization to periodically excavate accumulated river deposits from an area riverward and directly adjacent to their existing conveyor barge loading facility. River deposits have silted in the area; making barge access difficult. At river gage zero (approximately 357.78 NGVD at river mile 136), the water depth in the project area averages six feet. The excavated materials would be mechanically removed with equipment such as a clamshell crane and bucket. The contained excavation material would be loaded on a truck and hauled to an upland, contained area within the Brickey Stone quarry facility for dewatering purposes. This method of contained excavation and disposal only requires authorization under Section 10 of the Rivers and Harbors Act. No Section 401 or Section 404 Clean Water Act permits are required.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting the applicant,

Mr. Ron Netemeyer at 573-483-3475, or Mr. Charles Frerker, Regulatory Project Manager, U.S. Army Corps of Engineers at (314) 331-8583 or at electronic mail address: charles.f.frerker@mvs02.usace.army.mil

AUTHORITY: This permit will be processed under the provisions of Section 10 of the Rivers and Harbors Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding the public hearing.

ENDANGERED SPECIES: The proposed project is within the range of the endangered Indiana bat (**Myotis sodalis**), Gray bat (**Myotis grisescens**), Pallid sturgeon (**Scaphirhynchus albus**), and the threatened Bald eagle (**Haliaeetus leucocephalus**). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that the proposed mechanical excavation methods and upland disposal site is not likely to adversely affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation, comments are hereby solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES: The St. Louis District will evaluate any information provided by the State Historic Preservation Officer and the public in response to this public notice. In addition, issuance of this proposed action would prompt renewal of previously established requirements to avoid and protect a known cultural resource site in vicinity of the project area. Additional reconnaissance surveys of the project area may be required if warranted.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of these proposed activities. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

In accordance with 33 CFR 325.3, it is presumed that all interested parties and agencies will wish to respond to

public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project.

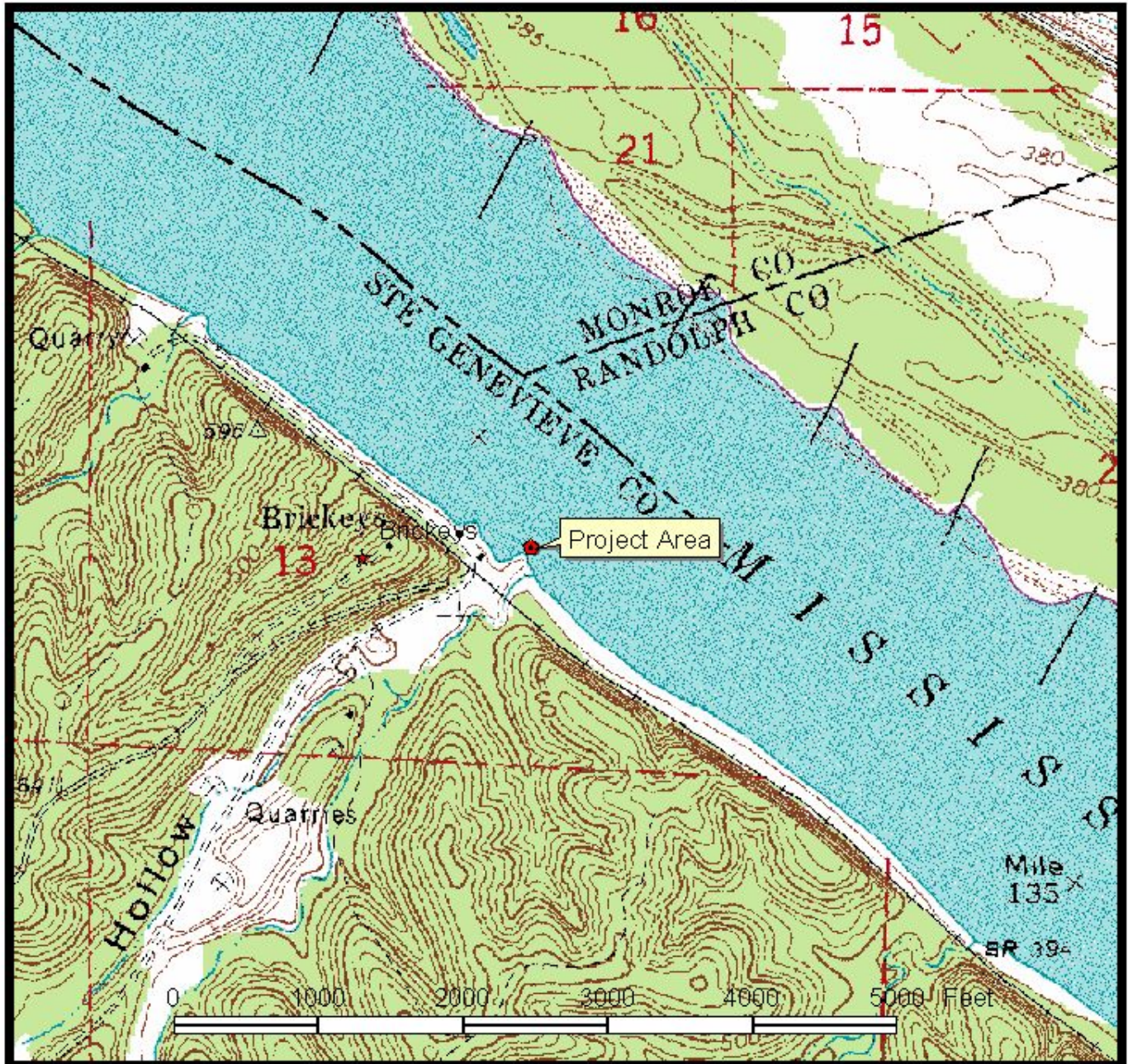
Danny D. McClendon
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

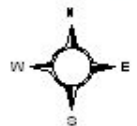
P-2560 APAC-Brickey Stone



Project: MVS-2005-45426
Ste. Genevieve County, Missouri
24Quad: Bloomsdale
River Mile 135.8 R

Lat: 38-4-44.6947
Long: -90-12-51.0166

Legal:
Sec 24, T 39 N, R 7 E



Mechanical Excavation with Upland Disposal



Jun 20, 2006

Made By: Charles Frerker

